

#641

BILL NO. Z-97-10-20 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z- Lust

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-30.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an RA (Residence District "A")
District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

Bohde Grove Addition Section "I", Block "A"

and the symbols of the City of Fort Wayne Zoning Map No. U-30, as established by Section 157.016 of Title
XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and
approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

#641

BILL NO. Z-97-10-20

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-30.

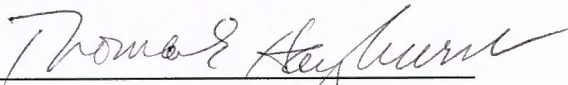
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 (Multi-Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

Bohde Grove Addition Section "I", Block "A"

and the symbols of the City of Fort Wayne Zoning Map No. U-30, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the Committee on
Legislation, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on
the _____ day of _____, 19____, at
o'clock _____ M., E.S.T.

DATED: 10-28-97

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by
and duly adopted, placed on its passage. ~~PASSED~~
by the following vote:

LOST

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		<u>9</u>		
BENDER		<u>✓</u>		
CRAWFORD		<u>✓</u>		
EDMONDS		<u>✓</u>		
HALL		<u>✓</u>		
HAYHURST		<u>✓</u>		
HENRY		<u>✓</u>		
LUNSEY		<u>✓</u>		
RAVINE		<u>✓</u>		
SCHMIDT		<u>✓</u>		

DATED: 12-9-97

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)

(ZONING) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19____

ATTEST:

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the

_____ day of _____, 19____

at the hour of _____, o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day

of _____, 19____, at the hour of _____

o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm. #830 / Fort Wayne IN 46802 / (219) 427-1129

Let

I/We

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R-2

to a/an: R-3

designation the property located at the common street address of: _____

and further described as follows: BOHDE GROVE ADDITION SECTION "I"
BLOCK "A"

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: Rental
Retirement Community - Single Story Apartments - Most with
attached Garages.

Property Owner(s) Name(s): Chen-nan Chen, Mei-Tswan Chen

Street Address: 6106 Groveland Dr.

City: Fort Wayne State: IN

Zip Code: 46835 Phone: (219) 486-1319

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Chen-nan Chen
Signature

Chen-nan Chen
Printed Name

9-26-97
Date

Mei-Tswan Chen
Signature

Mei-Tswan Chen
Printed Name

9-26-97
Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

J-J PARENT, CORP.

P.O. BOX 13645

FT. WAYNE, IN 46865

219-424-0424

Telephone Number

Receipt #: _____

Date Filed: _____

Map #: _____

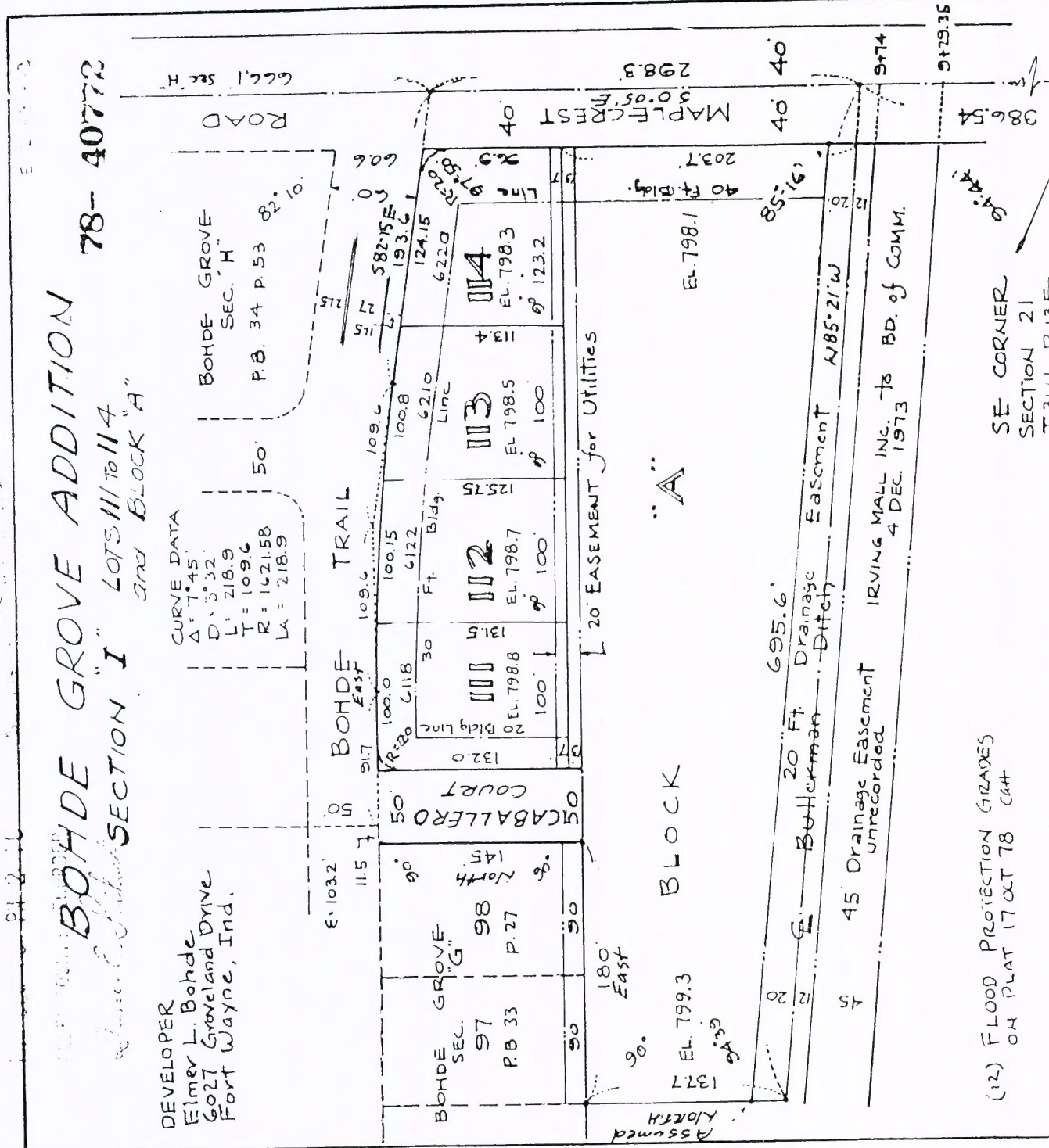
Reference #: _____

BOHDE GROVE ADDITION 78- 40772 **SECTION "I" LOTS 111 TO 114** **and BLOCK "A"**

DEVELOPER
 Elmer L. Bohde
 6027 Graveland Drive
 Fort Wayne, Ind.

CURVE DATA
 $\Delta = 74.5^\circ$
 $D = 332'$
 $L = 218.9'$
 $T = 109.6'$
 $R = 1621.58'$
 $LA = 218.9'$

BOHDE GROVE
 SEC. "H"
 P.B. 34 P. 53 82.01



(12) FLOOD PROTECTION GRADES
 ON PLAT 17 OCT 78 C&H

SE CORNER
 SECTION 21
 T21N D13E

RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on October 28, 1997 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-97-10-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 17, 1997.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO NOT PASS** recommendation based on the following "Findings of Fact".

1) Approval of the request would not be in substantial compliance with the Comprehensive Plan. Potential maximum density of development would be inconsistent with existing residential development to the north. The petitioner did not have a definitive site plan, therefore the Commission must anticipate potential impacts on Bohde Grove based on maximum ordinance allowances.

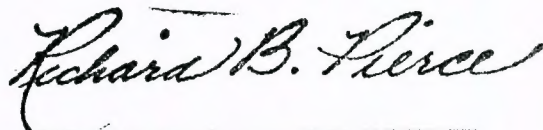
2) Approval of the request could have an adverse impact on the current conditions in the area, or the character of current structures and uses. Increased traffic on an existing residential street could be detrimental to the quality of life of area residents. The narrow width of the site could result in multiple family structures in close proximity to the backs of the adjacent single family structures.

3) Approval may not be consistent with the preservation of property values in the area. Limited traffic access capability, potential stormwater issues and an increase in density is inconsistent with proper planning and growth management.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 24, 1997.

Certified and signed this
25th day of November 1997.



Richard Pierce
Secretary

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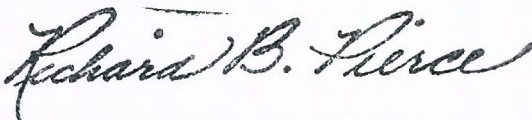
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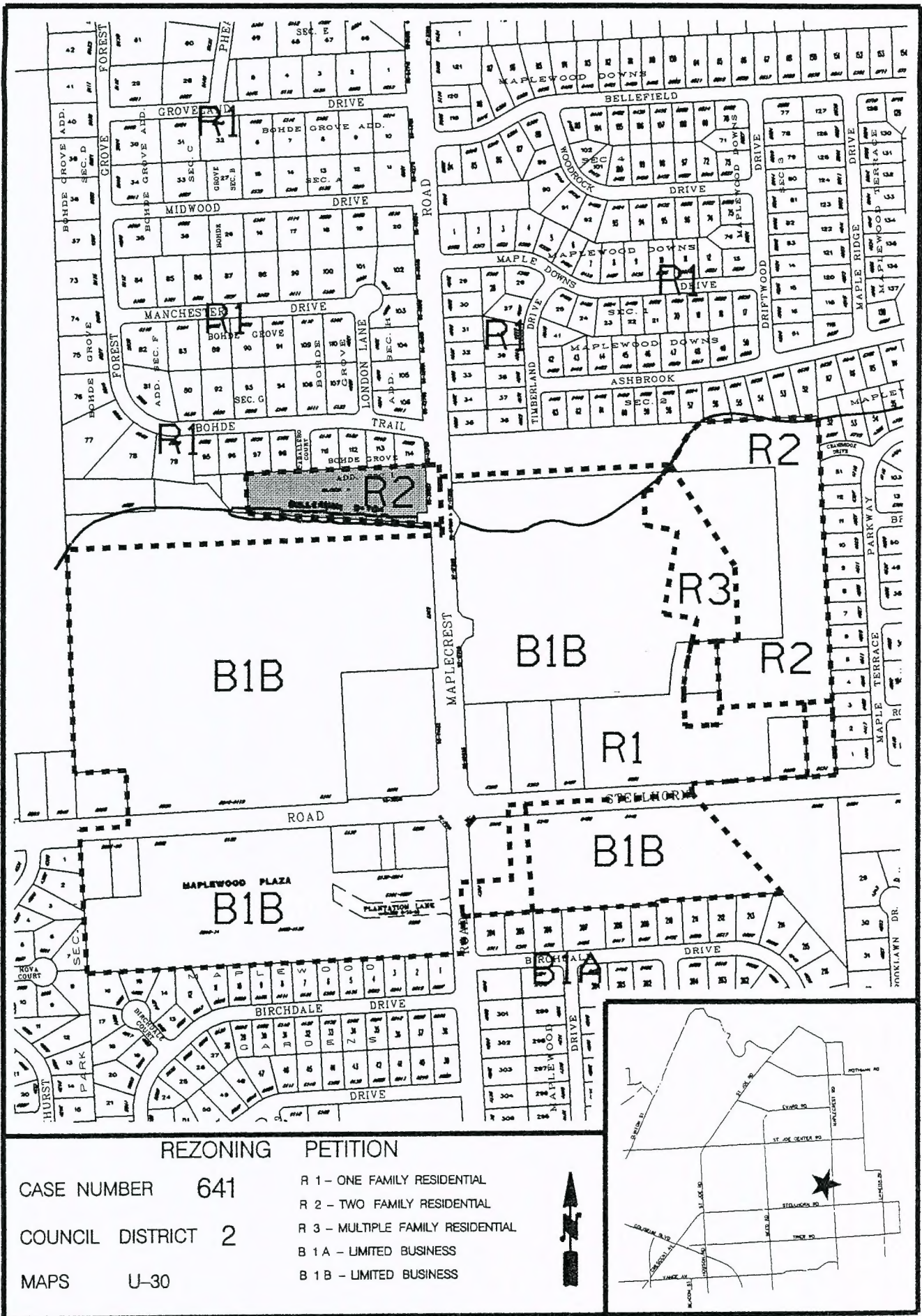
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Richard Pierce
Secretary

REZONING



FACT SHEET

Z-97-10-20

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-2 to RA

DETAILS

Specific Location and/or Address

4900 Block of Maplecrest Road on the
west side.

Reason for Project

A rental retirement community.

Discussion (Including relationship to other Council actions)

17 November 1997 - Public Hearing

(See Attached Minutes of Meeting)

24 November 1997 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote.

Motion Carried

Members Present: Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Charles McNagny, Richard Pierce, Dave Ross

Members Absent: Linda Buskirk, Thomas Quirk

POSITIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
J J Parent Corporation

City Department

Other

Opponents

Groups or Individuals
Patrick Hess, Attorney for
Bohde Grove Association

Basis of Opposition
-approval could have an
adverse impact on the current
conditions in the area

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 26 September 1997

Projected Completion or Occupancy Date 25 November 1997

Fact Sheet Prepared by Patricia Biancaniello Date 25 November 1997

Reviewed by   Date 2 December 1997

Reference or Case Number

Change of Zone #641
From R-2 to RA
4900 Block of Maplecrest Road on the west side

J R Parent, representing the J-J Parent Corporation appeared before the Commission. Mr. Parent stated that they are in the business of developing retirement communities for senior citizens. They are non-government subsidized, individual rental retirement community. He stated that this requested rezoning would require a development plan approval by the Commission, and in that way they would be working with everyone in the surrounding area to create a development plan, to hopefully satisfy everyone in the area. He stated that they chose this site because of its location. He stated that they choose their locations close to shopping, churches and all necessary amenities to enhance the use. He stated that they felt that this use would be the best use for this parcel. It does have some difficult traffic areas in access, but this type of use will not increase the congestion on the streets. He stated that many of the residents will not even own a car. He stated that the most logical use to put between the R-1 district and the commercial district south of this property is a higher type of residential. He stated that they will buffer it well from the R-1 district. He stated that it will actually be an asset to the area. He presented several letters of recommendation from towns where they had built retirement centers, expressing how they have dealt with their areas. He stated that this rezoning will not change the use of the property, it will still be used for residential purposes.

Linda Buskirk questioned how many units they would be developing on this parcel.

Mr. Parent stated that it would be between 20 to 25 units.

Jim Dearing questioned if they would be single story.

Mr. Parent stated that they would all be single story. He stated that they build them as 4-plexes, or a maximum of 8 to 10 units per building. He stated that they are all single story.

Mr. Dearing questioned if they would have more than one access into the area.

Mr. Parent stated that they would like to obtain a one way access on Maplecrest Road. He stated that currently the only access they have is through a stub street in Bohde Grove Subdivision.

Dave Ross questioned if they had looked at the traffic impact on the area.

He stated that there will be traffic impact, but they feel that this use will be one of the least traffic generators. He stated that any other use allowed on that property would be more of a traffic generator.

Richard Pierce questioned if he met with the Neighborhood Association.

Mr. Parent stated that he attempted to meet with the association and had scheduled a time to do so. He stated however, that a conflict prevented him from keeping that appointment.

Patrick Hess, attorney, appeared before the Commission representing the Bohde Grove Neighborhood Association. Mr. Hess stated that the association is opposed to the requested rezoning. Mr. Hess stated that the association feels that this property should have been dedicated open space for their association. He stated that this section of Bohde Grove was platted under the Allen County Plan Commission in 1978. He stated that if the plat was considered today that Block A (the parcel in question) would have been reserved as open space and would have been dedicated to the association. He stated that the county rezoned this property in 1985 to RSP-2, at 4.71 units per acre. He stated that the prior to the County rezoning the property in 1985, they had two zoning requests for this property, both which they denied. He stated that in 1986 they had a request to rezone to multi-family and in 1987 a request for commercial zoning on this property, both of which the County denied. He stated that some of the reasons for the County

Commission's recommendation of denial was that the proposed districts were not compatible. They interjected an intensive land use, which would have been more intensive than the surrounding uses. The County also felt that the access to this site from Maplecrest Road through the Bohde Grove neighborhood would cause excessive traffic conflicts on the residential streets and on Maplecrest Road. The Commissioner's also felt that the property would establish an undesirable precedent in the area, in that the proposed land uses were too excessive for this site. He stated that the rezoning to RSP-2 was done because the County felt it would provide a buffer from Northwood Plaza and because sewer and water was available and that this parcel was not prime agricultural ground. He stated that the rezoning was passed in 1985, passed despite the opposition of the Bohde Grove Subdivision. He presented the staff, for the record the old findings and the old petitions, with the previous denials, with relation to the property. He stated that they feel the past reasons for the denial of the two previous rezoning requests are still valid. He stated that they do not feel that every vacant piece of property is appropriate for development. He stated that more specifically the association opposes the rezoning for the following reasons. First, are the issues of compatibility. Bohde Grove consists of single family residences and they are primarily on large wooded lots. He stated that the developer, apparently proposing a multi-family development, the front of which would directly face the rear of six existing residences. He stated that this is not a compatible situation. He stated that the current City Zoning Ordinance would allow for this property to be developed with up to 47 dwelling units. He stated that the Commission has no commitment, other than some "nebulous" claim, that there will be between 20 and 25 dwelling units. He stated that there is nothing holding the developer to that claim. He stated that once the zoning is in place, if the developer can meet the technical requirements of the Zoning Ordinance, it becomes almost ministerial duty on the part of the Commission to approve the development. He stated that the second major area of concern is that of surface water drainage. He stated that the Comprehensive Plan has a policy that the proposed development should maintain the integrity of the area, in terms of drainage, topography and vegetation. He stated that approximately 700 feet of the perimeter of Block A (the parcel in question) is adjacent to the Bullerman Drain. He stated that this ditch has had a problem with localized flooding and drainage. The Bullerman Ditch is a County regulated drain in the form of a 75 foot easement to the top of the bank and as well with respect to the discharge of the surface water into the Bullerman Drain. He stated that these top of bank easements are regularly waived, but it is his understanding that the County Surveyor generally retains jurisdiction with respect to what is discharged into a county regulated drain. He stated if the developer is required to have on site drainage retention, the residents believe this would further affect the development of the site. He stated that the residents most affected by this proposal, Lots 97, 98, and 111 through 114, are currently experiencing drainage problems. He stated that their main concern is that more impervious surface on this parcel, will only exacerbate the flooding and drainage problems. He stated that the third major concern of the residents is the traffic. He stated that the main, and perhaps only access to this site, will be provided from a less intensive use (Bohde Grove Subdivision) on CaBallero Court. It will be a multi-family project accessing the busy Maplecrest Corridor through the streets of Bohde Grove. He stated that this is not just a hollow concern of the residents. He stated that these plats were not platted with recreational space, that is commonly required in subdivisions today. As a result the residents of Bohde Grove use the city streets for walking and biking and they use the very same street where the developer proposes to dump more traffic. He stated that in summary, he hoped the Commission would not perpetuate the zoning mistakes that have been made in the past. A rezoning on this property is not compatible with respect to the uses, drainage and the traffic, as evidenced by two previous denials by the County Plan Commission. He stated that the Bohde Grove Subdivision has remained a very viable and livable neighborhood, even among the circumstances of seeing Northwood Plaza and Stelhorn Village develop, and they would ask that they not exacerbate the situation. The best buffer, is that which exists right now, in the form of the Bullerman Drain and the undeveloped Block A. They are requesting that the Commission deny the rezoning request. He presented the Commission with a petition in opposition to the rezoning signed by 155 residents of the Bohde Grove Association, comprising 88 of 109 lots in the area.

Earl Robinson, 5214 Pheasant Run, appeared before the Commission. Mr. Robinson stated that he has been a resident of Bohde Grove since 1988 and one of the things that attracted him to the area, was the unique character of the community. He stated that he has raised 4 children in Bohde Grove. He stated that it is not unusual to get out in the neighborhood at anytime of the day or evening and walk with his children or to walk his dog. He stated that during the winter the area in question is often used by the neighborhood

children for a play area, in the summer it used for biking. He stated they do not have any open space in Bohde Grove Association. He stated that they do not currently have to worry about traffic interfering with the children playing. He stated that the area under consideration is regularly used by the area children as a recreational area.

In rebuttal, Mr. Parent stated that the last thing that they want to do is to "step on anyone toes". He stated that they have been in this situation before, where people are opposed to the development, and once the project was complete they have been complemented on the development and for doing as they stated they would. He stated that if the zoning is approved he assured them that he will work with them through the development plan.

DeDe Hall questioned if they owned the property.

Mr. Parent stated that they did not currently own the property, that it is currently for sale and they are looking to purchase it, if the property is rezoned.

There was no one else present who spoke in favor or in opposition to the proposed rezoning.

#641

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE Land Use Management - C&EDSYNOPSIS OF ORDINANCE Bohde Grove Addition Section I,
Block "A"Z-97-10-20EFFECT OF PASSAGE Property is currently zoned R-2 - Two-Family
Residential District. Property will be zoned R-3 - Multi-Family
Residential District.EFFECT OF NON-PASSAGE Property will remain zoned R-2 -
Two-Family Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-97-10-20 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) amending the City of Fort
Wayne Zoning Map No. U-30

HAVE HAD SAID (ORDINANCE) ~~XXXXXXXXXX~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca Ravine
Thomas E. Hayhurst
Dickie Hall
Q.S. L...
Thomas E. Hayhurst
Marvin A. Bender
Charlie...
John C. Henry

DATED:

Sandra E. Kennedy
City Clerk